(26)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.2594 of 2006.

Petitioner

1. Smt. Ram Bai,
W/o. Shri Yatendra Kumar, Aged about 22 years, Post – Sarpanch, Gram Panchayat Kurandi, Tehasil Jagdalpur District Bastar, Chhattisgarh.

Versus

Respondents

1. State of Chhattisgarh
Through the Secretary,
Department of Panchayat and Rural Development, Government of Chhattisgarh, D.K.S. Bhawan, Mantralaya, Raipur (C.G.).
2. The Collector, Jagdalpur, District Bastar, (C.G.)
3. The Sub Divisional Officer (Revenue), Jagdalpur, District Bastar, (C.G.)
4. The Revenue Inspector, Jagdalpur, Tehasil Jagdalpur, District Bastar, (C.G.).

Present : Shri Alok Dewangan, learned counsel for the petitioner.
Shri Yashwant Singh, learned G.A. for the State/respondents.

ORAL ORDER
(Passed on 16.6.2006)

The petitioner has already preferred an appeal to the Collector, Jagdalpur District, the 2nd respondent herein under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam 1993, (for short 'the Adhiniyam') against the order of the Sub Divisional Officer (Revenue), Jagdalpur, the 3rd respondent herein, removing the petitioner from the office of the Gram Panchayat, Kurandi in Jagdalpur Tehsil and the said appeal is pending for adjudication. In the appeal, the petitioner moved an application for stay which was declined by the 2nd respondent.

Against the said interim order, the petitioner preferred a revision to the Director, Panchayat, who is not made a party to the writ petition. The Director also declined to grant interim stay. In the circumstance, this writ petition is filed.

(2) Heard learned counsel for the parties. The jurisdiction of this Court under Article 226 cannot be invoked only for the sake of obtaining interim order. The order made by the 3rd respondent, unless it is set aside, would have legal force and in that view of the matter, no exception could be taken to the order of the Collector, Jagdalpur and that of the Director, Panchayat declining to grant interim stay. Writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice